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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 MEDIA FORCE COMMUNICATIONS
12 (2007) LTD,

13 Plaintiff,

14 v.

15 ASPIRATION PARTNERS, INC., et al.

16 Defendants.
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Case No. 2:23-cv-03799-FLA (SKx)

**ORDER TO SHOW CAUSE WHY
ACTION SHOULD NOT BE
DISMISSED FOR LACK OF
SUBJECT MATTER JURISDICTION,
VENUE, OR PROSECUTION**

1 Federal courts are courts of “limited jurisdiction,” possessing only “power
2 authorized by the Constitution and statute[.]” *Kokkonen v. Guardian Life Ins. Co. of*
3 *Am.*, 511 U.S. 375, 377 (1994); U.S. Const. art. III, § 2, cl. 1. Courts are presumed to
4 lack jurisdiction unless the contrary appears affirmatively from the record. *See*
5 *DaimlerChrysler Corp. v. Cuno*, 547 U.S. 332, 342 n. 3 (2006). Additionally, federal
6 courts have an obligation to examine jurisdiction *sua sponte* before proceeding to the
7 merits of a case. *See Ruhrgas AG v. Marathon Oil Co.*, 526 U.S. 574, 583 (1999).

8 Federal courts have jurisdiction where an action arises under federal law or
9 where each plaintiff’s citizenship is diverse from each defendant’s citizenship and the
10 amount in controversy exceeds \$75,000, exclusive of interest and costs. 28 U.S.C.
11 §§ 1331, 1332(a). A complaint filed in federal court must contain “a plausible
12 allegation that the amount in controversy exceeds the jurisdictional threshold.” *Dart*
13 *v. Cherokee Basin Operating Co., LLC v. Owens*, 574 U.S. 81, 89 (2014). Where a
14 party contests, or a court questions, a party’s allegations concerning the amount in
15 controversy, both sides shall submit proof, and the court must decide whether the
16 party asserting jurisdiction has proven the amount in controversy by a preponderance
17 of the evidence. *Id.* at 88–89; *see* Fed. R. Civ. P. 12(h)(3) (“If the court determines at
18 any time that it lacks subject-matter jurisdiction, the court must dismiss the action.”).
19 The same procedures apply when the existence of complete diversity of the parties is
20 called into question. *See, e.g., Verb Tech. Co., Inc. v. Baker & Hostetler LLP*, Case
21 No. 2:21-cv-06500-ODW (MAAx), 2021 WL 4125207 (C.D. Cal. Sept. 9, 2021).

22 The court has reviewed the Complaint and is presently unable to conclude it has
23 subject matter jurisdiction over this action under 28 U.S.C. § 1332(a). In particular,
24 and without limitation, the court finds that the Complaint does not demonstrate by a
25 preponderance of evidence that the amount in controversy exceeds \$75,000.
26 Additionally, the court finds the Complaint has not demonstrated venue is proper in
27 this district under 28 U.S.C. § 1391(b).
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1 Accordingly, Plaintiff is ORDERED to SHOW CAUSE, in writing only, within
2 fourteen (14) days from the date of this Order, why this action should not be
3 dismissed for lack of subject matter jurisdiction and/or improper venue. Plaintiff is
4 encouraged to submit evidence and/or judicially noticeable facts in response to the
5 court's Order. Plaintiff should consider this Order to be a two-pronged inquiry into
6 the facial and factual sufficiency of Plaintiff's demonstration of jurisdiction. *See Leite*
7 *v. Crane Co.*, 749 F.3d 1117, 1122 (9th Cir. 2014).

8 The court further ORDERS Plaintiff to SHOW CAUSE, in writing only, within
9 fourteen (14) days from the date of this Order, why this action should not be
10 dismissed for lack of prosecution. In the absence of showing good cause, an action
11 shall be dismissed if the summons and complaint have not been served within 90 days
12 after the filing of the complaint pursuant to Fed. R. Civ. P. 4(m). An action may be
13 dismissed prior to such time if the Plaintiff fails diligently to prosecute the action.
14 Plaintiff is advised that the court will consider the filing of a responsive pleading to
15 the complaint and/or proof(s) of service, which indicates proper service in full
16 compliance with the federal rules, on or before the date upon which the response is
17 due.

18 The response shall be limited to fifteen (15) pages in length. The failure to
19 respond timely and adequately to this Order shall result in dismissal of the action
20 without further notice.

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22 IT IS SO ORDERED.

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24 Dated: August 3, 2023

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27 FERNANDO L. AENLLE-ROCHA
28 United States District Judge